

October 16, 1917 - Judgement

EXHIBIT "B"  
IN THE SUPERIOR COURT OF THE COUNTY OF TRINITY

STATE OF CALIFORNIA

W. J. HARRISON and ANNA L. DE LA MONTANYA, )

Plaintiffs, ) No. 3327

vs. )

J.V. KALLER, R.L. ELLIS, J.T. EDWARDS, I.T.  
CHENSHAW, MARY ELLIS, IDA B. CHENSHAW,  
W.M. HELCH, HOWARD I. ELLIS, MARY S.  
CROCKER, (wife of Geo. A. Crocker), J.  
MCINTYRE, and G.H. COATES,

JUDGMENT.

Defendants. )

This cause came on regularly for trial before the court,  
(a jury having been waived by the respective parties), W.A. Fish,  
Esq., appearing as attorney for the plaintiffs, and Messrs McCoy  
& Gans, appearing for the defendants; and the court having heard the  
proofs of the respective parties and considered the same, and the  
arguments of the respective attorneys thereto, and the evidence and  
arguments being closed, the case was submitted to the court for con-  
sideration and decision; and after due deliberation the court de-  
livers its findings and decision in writing, which is filed, and  
orders that Judgment be entered in accordance therewith; wherefore,  
by reason of the law and findings aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, that said plaintiffs  
are the owners in fee of that certain water ditch known as the  
"Harrison Ditch" taking water from that certain stream known as  
"Digger Creek" in the said County of Trinity, on the left bank there-  
of in the South Half of the Northwest Quarter ( $\frac{1}{4}$  of NW) of Sect-  
ion Twenty-three (23), in Township Thirty (30) North of Range One  
(1) East, N.D.R., and near the center of said Section Twenty-three  
(23) and running thence in a general westerly direction over a port-

1 ion of said Section Twenty-three (23) to the lands owned by said  
2 Plaintiffs in Section Twenty-two (22) in said Township and Range.

3 That said plaintiffs are the owners of, as tenants in  
4 common, and entitled to divert from said Digger Creek in and through  
5 their said Ditch 70 inches of water of said Digger Creek from Oct-  
6 ober first of each year until July first of the next succeeding year,  
7 and from July first to October first of each year 40 inches of the  
8 waters thereof, measured under a four inch pressure.

9 That said plaintiffs are entitled to have enough water flow  
10 down the main channel of said Digger Creek to the head of plaintiffs  
11 ditch to enable Plaintiff's to take and divert from said Digger  
12 Creek 70 inches of the waters thereof, from October 1st of each  
13 year until July 1st of the next succeeding year, and from July 1st  
14 to October 1st of each year 40 inches of the waters of said stream  
15 measured under a four inch pressure.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said  
17 Defendants have not, nor has any of them, any right, title, inter-  
18 est, or estate in or to the said "Harrison Ditch", or to Seventy  
19 (70) inches of the waters of said Digger Creek from October 1st of  
20 each year to July 1st of the next succeeding year, or to Forty (40)  
21 inches of the waters of said stream from July 1st to October 1st  
22 of each year, measured under a four inch pressure; and the said  
23 Defendants, and each of them, are hereby forever restrained and en-  
24 joined from asserting any claim or title to said ditch, or to any  
25 part or portion of the waters of said Digger Creek above  
26 decreed as belonging to said plaintiffs.

27 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that neither  
28 plaintiffs or defendants are entitled to costs.

29 Dated, October 16th, 1917.

30 John F. Ellison,  
31 Judge.  
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